

TODD BLANCHE
Deputy Attorney General
BILAL A. ESSAYLI
First Assistant United States Attorney
ALEXANDER B. SCHWAB
Assistant United States Attorney
Acting Chief, Criminal Division
KEVIN J. BUTLER (Cal. Bar No. 329129)
Acting Chief, Major Crimes Section
JENA A. MACCABE (Cal. Bar No. 316637)
Acting Deputy Chief, Major Crimes Section
Assistant United States Attorneys
1300 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-6495/5046
Facsimile: (213) 894-0141
E-mail: kevin.butler2@usdoj.gov
jena.maccabe@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZIHIRR MITCHELL,
aka "Bricc Baby,"
aka "Big Shitty,"
aka "MPA Shitro,"
aka "Shitty Montana,"
aka "Bricc Baby Shitro,"

Defendant.

No. CR 25-132-FLA

SENTENCING MEMORANDUM

Hearing Date: 9:00 a.m.
Hearing Time: December 19, 2025
Location: Courtroom of the
Hon. Fernando L.
Aenlle-Rocha

Plaintiff United States of America, by and through its counsel
of record, the First Assistant United States Attorney for the Central
District of California and Assistant United States Attorneys Kevin J.
Butler and Jena A. MacCabe, hereby files its sentencing memorandum.

1 This sentencing memorandum is based upon the attached memorandum
2 of points and authorities, the files and records in this case, and
3 such further evidence and argument as the Court may permit.

4 Dated: December 5, 2025

Respectfully submitted,

5 TODD BLANCHE
6 Deputy Attorney General
7 BILAL A. ESSAYLI
8 First Assistant United States
9 Attorney

ALEXANDER B. SCHWAB
Assistant United States Attorney
Acting Chief, Criminal Division

10 /s/

11 KEVIN J. BUTLER
12 JENA A. MACCABE
Assistant United States Attorneys

13 Attorneys for Plaintiff
14 UNITED STATES OF AMERICA
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MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

Defendant ZIHIRR MITCHELL ("defendant") has pleaded guilty to being a felon in possession of firearms and ammunition seized from his home in 2023 and admitted to also being a felon in possession of more ammunition he fired at others in a parking lot in 2022, as well as submitting a fraudulent application for disaster relief based on the January 2025 fires. For his crimes, the United States Probation and Pretrial Services Office (the "USPO") calculated a total offense level of 23 and a criminal history category of VI, resulting in a Sentencing Guidelines range of 92 to 115 months' imprisonment. (Presentence Investigation Report ("PSR") ¶ 139, Dkt. 31.) The USPO further found no basis for a departure or variance from that range. (*Id.* ¶¶ 153-154.) The government agrees and respectfully recommends that defendant be sentenced to 92 months' imprisonment, three years' supervised release, no fine, and a \$100 special assessment.

II. DEFENDANT'S CRIMES¹

Over multiple months in 2023, law enforcement intercepted defendant on a wiretap of multiple Rollin' 60s gang members' phones. On multiple intercepted calls, defendant was heard discussing criminal activity, including recounting murders he committed as a youth. In March and June 2023, on intercepted calls, multiple people accused defendant of pointing a gun at them and even defendant's own daughter. Law enforcement then sought a search warrant for defendant's home where they found three firearms, including an

¹ Because this Court did not preside over defendant's bail request, the government incorporates by reference its statement of facts from that briefing. (*See* Dkt. 22.)

1 assault rifle style firearm, and over 125 rounds of ammunition. Law
2 enforcement also learned that defendant shot three bullets in a
3 business parking lot in July 2022 to ward off would-be robbers. They
4 found another firearm and even more ammunition when they arrested him
5 on those charges in March 2025. Each possession followed multiple
6 prior felony convictions, any of which alone prohibited him from
7 possessing any firearm or ammunition, not to mention the dangerous
8 and unlawful ways he was using the firearms even if he was permitted
9 to possess them.

10 Separate and apart from defendant's unlawful possession of
11 firearms and ammunition, in February 2025, defendant filed an
12 application for disaster assistance, knowingly and falsely claiming
13 that defendant was renting a home in Pasadena, California, that was
14 destroyed by the Eaton fire. By doing so, defendant attempted to
15 receive Federal Emergency Management Agency ("FEMA") benefits.
16 Defendant knew, however, that he never lived in or rented the home in
17 Pasadena, was not a victim of the Eaton wildfire (which was declared
18 a federal disaster), and was not entitled to any of the benefits or
19 funds he sought in filing the false application. When the genuine
20 homeowner and victim of the disaster applied for a loan, it was
21 denied due to defendant's pending false application.

22 **III. GUIDELINES CALCULATIONS**

23 The USPO and government agree that the base offense level for
24 each count in the indictment is 20 under U.S.S.G. § 2K2.1(a)(4)(A)
25 because defendant had been convicted of a crime of violence before
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1 committing each of those crimes.² (PSR ¶¶ 32-33, 40-41); see also
 2 Cal. Penal Code § 422(a) (criminalizing “willful[] threat[s] to
 3 commit a crime which will result in death or great bodily injury to
 4 another person”); Arellano Hernandez v. Lynch, 831 F.3d 1127, 1130
 5 (9th Cir. 2016) (“[A] conviction under [California Penal Code]
 6 sections 422 and 664 is categorically a crime of violence.”). For
 7 count two, the USPO and parties agree that a two-level increase under
 8 U.S.S.G. § 2K2.1(b)(1)(A) applies because defendant possessed three
 9 firearms. (PSR ¶¶ 34-35; Plea Agreement ¶ 12, Dkt. 26.) For count
 10 one (i.e., pseudo count 2A in the PSR), the USPO and parties agree
 11 that a four-level increase under U.S.S.G. § 2K2.1(b)(7)(B) applies
 12 because defendant possessed the ammunition in connection with another
 13 felony offense, namely, shooting at people from a parking lot. (Id.
 14 ¶¶ 34-35; Plea Agreement ¶ 12.) Finally, for defendant’s fraud in
 15 connection with a major disaster and emergency benefits (i.e., pseudo
 16 count 2B in the PSR), the USPO and parties agree to all the
 17 calculations; specifically, the base offense level is seven under
 18 U.S.S.G. § 2B1.1(a)(1), and the resulting offense level is increased
 19 to 12 under U.S.S.G. § 2B1.1(b)(12) because the offense involved
 20 disaster fraud. (Id. ¶¶ 48-53; Plea Agreement ¶ 12.)

21 The highest total offense level of the foregoing counts is 24,
 22 which receives a two-level increase for multiple counts. (PSR ¶¶ 54-
 23 56.) The USPO and government agree that a three-level reduction for
 24 acceptance of responsibility applies under U.S.S.G. § 3E1.1. (Id.
 25 ¶¶ 59-60.) Thus, the total offense level is 23. (See id. ¶ 62.)

27 ² Neither party is bound to the base offense levels listed in
 28 the plea agreement for the 18 U.S.C. § 922(g)(1) counts because
 defendant’s base offense level was altered by a prior conviction for
 a crime of violence. (Plea Agreement ¶ 12.)

1 The USPO and government agree that defendant is in criminal
2 history category VI. (Id. ¶ 80.) With the foregoing calculations,
3 defendant's Guidelines range is 92 to 115 months. (Id. ¶ 139.)

4 **IV. GOVERNMENT'S RECOMMENDATION**

5 **A. Imprisonment**

6 The Court must impose a sentence that is sufficient, but not
7 greater than necessary, to achieve the purposes set forth in 18
8 U.S.C. § 3553(a). The Court shall consider "the nature and
9 circumstances of the offense and the history and characteristics of
10 the defendant." 18 U.S.C. § 3553(a)(1). In addition, the Court
11 should fashion a sentence that reflects the seriousness of the
12 offense, promotes respect for the rule of law, provides just
13 punishment for the offense, affords adequate deterrence to criminal
14 conduct, and protects the public from future crimes of the defendant,
15 among other considerations. 18 U.S.C. § 3553(a)(2).

16 The government recommends that defendant be sentenced to 92
17 months' imprisonment, which is the low end of the Guidelines range.
18 Such a sentence is sufficient, but not greater than necessary, to
19 achieve the purposes set forth in 18 U.S.C. § 3553(a).

20 1. Nature and Circumstances of the Offense

21 The Court must consider the nature, circumstances, and
22 seriousness of the offenses. 18 U.S.C. §§ 3553(a)(1), (a)(2)(A).
23 Here, the government's proposed sentence reflects the seriousness of
24 defendant's crimes.

25 In this case alone, defendant possessed multiple firearms, on
26 multiple occasions, and over 125 rounds of ammunition, some of which
27 he fired. First, defendant shot at would-be robbers in a business
28 parking lot. Less than a year later, he was found with more firearms

1 after purportedly pointing them at his partner and child.³ Each
2 time, defendant was prohibited from even possessing firearms and
3 ammunition, let alone so dangerously using them. Defendant then
4 possessed yet another firearm the night before his arrest during a
5 live streamed podcast with one of his rivals and that gun can be seen
6 in defendant's waistband. His possession of that firearm the
7 following day, along with even more ammunition, at home with his
8 child during his latest arrest only further corroborates the need for
9 a significant sentence.

10 But defendant's crimes do not pertain only to violence and
11 weapon possession. In his plea agreement, defendant admitted to
12 fraudulently applying for FEMA benefits by claiming to be a renter of
13 a Pasadena home that was destroyed in the Eaton fire in January 2020.
14 Because of defendant's false application, the homeowner who really
15 lost his home had his own loan application denied.

16 Defendant's crimes have consequences, first for his victims, and
17 now for himself. That is why the government is seeking a 92-month
18 sentence.

19 2. History and Characteristics of Defendant

20 Defendant's history and characteristics also warrant a 92-month
21 sentence. Defendant's criminal history is decades long. His first
22 felon-in-possession-of-a-firearm offense specifically dates back to
23 2009. (PSR ¶ 68.) His probation violations began no later than
24 2012. (Id. ¶ 69.) By 2014, he threatened a crime with intent to
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27 ³ Leading up to the 2023 search warrant, defendant stated on
28 intercepted calls that he would simply throw the firearms off the
balcony of his apartment into the courtyard below if the police ever
arrived -- which he attempted to do when the search warrant was
executed.

1 terrorize his victim, received a stay-away order, and blew through
2 the court's leniency with multiple probation revocations. (Id.
3 ¶ 74.) Much like his attitude encapsulated in wiretap calls in this
4 case and on a video podcast as late as this year, back in 2016, he
5 assaulted victims with a deadly weapon when he lifted his shirt to
6 brandish a firearm saying, "Don't fuck with me." (Id. ¶ 76.) Even
7 his six-year prison sentence for robbery in 2020 did not dissuade
8 defendant from committing all the crimes in this case. (See id.
9 ¶ 78.) All of that, which is only a fraction of defendant's criminal
10 history surpassing the points needed to be in the highest criminal
11 history category, and includes a high speed chase ending with
12 defendant barricading himself inside a home on television (which
13 defendant later glamorized in music videos), warrants the
14 government's recommended sentence.

15 3. Need for Deterrence and to Promote Respect for the Law

16 The recommended 92-month sentence is necessary not only to deter
17 defendant, but also to adequately deter others. See 18 U.S.C.
18 § 3553(a)(2)(B) (the sentence imposed is required "to afford adequate
19 deterrence to criminal conduct," which encompasses both specific and
20 general deterrence). This 92-month term of imprisonment is warranted
21 here to adequately deter defendant and others from further criminal
22 conduct. It is longer than past sentences he has received for a good
23 reason: defendant's past sentences were too lenient to promote his
24 respect for the law.

25 **B. Supervised Release**

26 Given the seriousness of the instant offenses, the imposition of
27 a three-year term of supervised release would provide a needed
28 additional incentive for defendant to refrain from committing further

1 crimes. In this case alone, defendant admitted to three separate
2 crimes during three separate years, starting with a shooting and
3 ending with disaster fraud. His criminal history -- which landed him
4 in the highest criminal history category -- is riddled with prior
5 probation violations. (PSR ¶¶ 69, 72, 74.) A three-year term of
6 supervised release is sufficient, but not greater than necessary, to
7 protect the public and deter future criminal conduct.⁴

8 **V. CONCLUSION**

9 Defendant and his conduct are full of contradictions. Defendant
10 purports to be a dedicated father and indeed appeared to be present
11 caregiver for his youngest child. Defendant also kept illegal,
12 loaded, dangerous firearms in her presence in multiple residences
13 unsecured. Defendant is also a charismatic and talented public
14 figure. But thus far, defendant has used his gifts merely to
15 glamorize violence, drug use, and a life of crime and has been unable
16 or unwilling to transition fully from that life to a productive one.
17 It is these contradictions that demand a Guideline sentence, but one
18 at the low end of those Guidelines. Thus, the government
19 respectfully recommends that defendant be sentenced to 92 months'
20 imprisonment, three years' supervised release, no fine, and a \$100
21 special assessment.

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28 ⁴ The government recommends that the Court, at sentencing, incorporate by reference and impose the standard conditions of supervised release enumerated in Second Amended General Order 20-04.